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Attorneys for Plaintiff TIMOTHY THALKEN

UNITED STATES DISTRICT COURT  
IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY THALKEN ) CASE NO.: CIV S-05-0514 LKK KJM  
Plaintiff, )  
v. )  
CITY OF LODI )  
Defendants. )  
) STIPULATION RE TERMS OF  
SETTLEMENT AND DISMISSAL OF  
ACTION  
)

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TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

IT IS HEREBY STIPULATED by and between the parties to this action, Plaintiff TIMOTHY THALKEN by and through his counsel, Patricia Kramer of the law offices of Neasham & Kramer LLP, and Defendant CITY OF LODI, by and through its City attorney Stephen Schwabauer or Richard C. Bolanos of the law firm of Liebert Cassidy Whitmore that the parties have settled all substantive matters in the lawsuit pertaining to equitable relief, damages and litigation costs. The executed agreement of the parties is set forth in the Settlement Agreement attached hereto as Exhibit "A."

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1 IT IS FURTHER STIPULATED by and between the parties to this action that Defendant CITY  
2 OF LODI shall be dismissed without prejudice pursuant to FRCP 41(a)(1).

3 SO STIPULATED:

4 Dated: May\_\_\_\_, 2005

5 NEASHAM & KRAMER LLP

6 By s/ signature on original

7 Patricia Kramer  
8 Attorney for Plaintiff, TIMOTHY THALKEN

9 Dated: May \_\_\_, 2005

10 By s/ signature on original

11 Stephen Schwabauer, or  
12 Richard C. Bolanos  
13 Attorneys for Defendant CITY OF LODI

14 SO ORDERED.

15 Date: May 17, 2005

16 /s/Lawrence K. Karlton  
17 U.S. District Judge, Eastern District of California